

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TONY O'NEIL LUSTER, #116811

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:09cv214-HTW-LRA

JAMES BECKHAM

and WALNUT GROVE YOUTH CORRECTIONAL FACILITY

DEFENDANTS

ORDER

Plaintiff, an inmate currently incarcerated in the Mississippi State Penitentiary, Parchman, Mississippi, filed this complaint pursuant to 42 U.S.C. § 1983. The Defendants are James Beckham and Walnut Grove Youth Correctional Facility. Upon review of the Court record, it is hereby,

ORDERED that the Plaintiff within 20 days of the date of this order shall provide this Court with the civil action number of every civil action or appeal which the Plaintiff has had dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted. Plaintiff shall also provide the name of the Court and name(s) of Defendant(s) in each civil action identified.

IT IS FURTHER ORDERED that the United States District Clerk is hereby directed to issue summons to the Defendant:

JAMES BECKHAM, Correctional Officer
Walnut Grove Youth Correctional Facility
1650 Highway 492
P.O. Box 389
Walnut Grove, MS 39189

This Defendant is required to file a response to the complaint. The Clerk is directed to attach a copy of this order to each complaint that will be served on the named Defendant. The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d).

The Plaintiff is advised that a summons will not be ordered to be issued for Defendant Walnut Grove Youth Correctional Facility. This Court finds that this is a private correctional facility and the Plaintiff failed to provide the name and street address of its registered agent where summons may be served on this Defendant. If the Plaintiff wishes summons to issue for Walnut Grove Youth Correctional Facility, he is required to file a motion providing this Court with the name and street address of the registered agent and request that this Court issue summons for defendant Walnut Grove Youth Correctional Facility. After review of the Plaintiff's complaint and motion, this Court will then decide if summons should issue for defendant Walnut Grove Youth Correctional Facility.

IT IS FURTHER ORDERED that the Defendant files his answer or other responsive pleading in this cause in accordance with the *Federal Rules of Civil Procedure* and the Local Rules of this Court.

IT IS FURTHER ORDERED that subpoenas shall not be issued except by order of the Court. The United States District Clerk shall not issue subpoenas upon request of the *pro se* litigant, but shall instead forward the request to the Magistrate Judge assigned to this cause for review. The Plaintiff shall submit all request for the issuance of subpoenas to this office for review.

The Plaintiff should understand that this order allowing process to issue against the above named Defendant does not reflect any opinion of this Court that the claims contained in the complaint will or will not be determined to be meritorious.

It is the Plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a

purposeful delay and contumacious act by the Plaintiff and may result in the dismissal of this case.

THIS the 20th day of July, 2009.

s/ Linda R. Anderson

UNITED STATES MAGISTRATE JUDGE